

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 CINDY L. HOFFERBER,

10 Plaintiff,

11 v.

12 COMMISSIONER OF SOCIAL  
13 SECURITY,

14 Defendant.

Case No. C19-5636 BHS

**ORDER DENYING  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

15 Plaintiff Cindy Hofferber applies to proceed *in forma pauperis* (“IFP”) for an  
16 action seeking judicial review of the administration denying Plaintiff’s application for  
17 Social Security benefits. IFP Appl. (Dkt. # 1). For the reasons discussed below, the  
18 Court DENIES Plaintiff’s IFP application.

19 The district court may permit indigent litigants to proceed *in forma pauperis* upon  
20 completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). “To qualify for  
21 *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable  
22 to pay court fees and that the claims he or she seeks to pursue are not frivolous.”

23 *Ogunsalu v. Nair*, 117 F. App’x 522, 523 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051  
(2005). To meet the first prong of this test, a litigant must show that he or she “cannot  
because of his poverty pay or give security for the costs and still be able to provide

1 himself and dependents with the necessities of life.” *Adkins v. E.I. DuPont de Nemours*  
2 & Co., 335 U.S. 331, 339 (1948) (internal alterations omitted).

3 Plaintiff has not shown that she is unable to pay the full filing fee to proceed with  
4 this lawsuit. Plaintiff reports that her spouse has monthly take-home pay of \$5,014.00,  
5 and reports monthly expenses of \$4,400.00. IFP Appl. at 1-2. Plaintiff’s report  
6 demonstrates that she has enough available to cover the one-time \$400.00 filing fee.  
7 Plaintiff has failed to demonstrate that he “cannot because of his poverty pay or give  
8 security for the costs and still be able to provide himself . . . with the necessities of life.”  
9 See *Adkins*, 335 U.S. at 339 (internal alterations omitted).

10 Accordingly, the Court DENIES Plaintiff’s IFP application. Plaintiff has 30 days  
11 from the date of this order to pay the full \$400.00 filing fee. If the Court does not receive  
12 the filing fee within 30 days, the Court will dismiss this action without prejudice.

13 Dated this 16th day of July, 2019.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23



---

BENJAMIN H. SETTLE  
United States District Judge